

under Rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 615, H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

Bill Frist, Lamar Alexander, Richard Burr, Gordon Smith, John Thune, Johnny Isakson, John Cornyn, Judd Gregg, Jim Inhofe, Saxby Chambliss, Sam Brownback, Tom Coburn, Jeff Sessions, Richard Shelby, Craig Thomas, Michael B. Enzi, Lisa Murkowski.

Mr. FRIST. I ask the mandatory quorum for both motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT

Mr. FRIST. I move to commit the bill to the Judiciary Committee, with instructions to report back forthwith, with an amendment, and I send the motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] moves to commit the bill, H.R. 6061, to the Committee on the Judiciary, with instructions to report back forthwith, with an amendment.

Mr. FRIST. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5039

Mr. FRIST. I send a first-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 5039 to the instructions of the motion to commit.

Mr. FRIST. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment in the instructions:

Strike "2 days" and insert "3 days".

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5040 TO AMENDMENT NO. 5039

Mr. FRIST. Mr. President, I now send a second degree to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 5040 to amendment No. 5039.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike "3 days" and insert "4 days."

Mr. FRIST. Mr. President, we can come back and comment on this, but what I have just done is put an amendment on the legislation. The military commission or Hamdan legislation—I have put that as an amendment on the border security fence bill. I say that just so our colleagues will understand the Democratic leader and I are working very hard to reach an agreement, and we are just about there. We need to talk to some more colleagues about how we will address the Hamdan legislation.

Because things are tight in terms of being able to finish the amount of business we need to do in the next 4 to 5 days, what we just went through was to set up a structure whereby we know we are going to be able to finish that. Again, our intent is to work out a plan to be able to address that legislation in a way that is agreeable to both sides. I think we should be able to do that tomorrow morning.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, if I could just briefly respond, we would like to proceed as expeditiously as possible. We have been alerted by one of my Senators that the rule XIV legislation that was brought to the Senate late last week is different from the amendment that was filed tonight. So some of my folks are trying to figure out what has happened. We thought what was going to be filed as an amendment to this fence bill was the same piece of legislation that was rule XIVed. So we have now a rule XIV that has been sent up, and now we have this amendment. So that has created a little bit of confusion on our side.

But I also say this: I think we could work something out if we can get to the bill. When we start late in the session like this, any one Senator weighs about 1,000 pounds because any Senator can stop anything they want. So we have to make sure we can get to this. It takes all 100 Senators to agree that is the case. If we could proceed to it, it is my understanding the majority leader would allow a limited number of amendments. We could work on this tomorrow with some time agreements on it—agreements on both sides.

If this is not worked out, it is my understanding that what would happen is that on Wednesday there would be a cloture vote on this amendment dealing with Hamdan. That would occur on Wednesday, and then after that, amendments germane in nature would be in order if, in fact, the majority decided to allow any amendments to go forward.

So it appears to me the best chance for Senators on both sides to have an opportunity to offer amendments to Hamdan would be to move to it tomorrow. If we cannot do that, then we will

have to see what happens with cloture. But I believe that is where we find ourselves tonight.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, that is exactly where we are. I think the good news is both sides recognize this is a very important issue before this body and before the American people and that we have had a lot of work on this bill to where I think—speaking of the Hamdan legislation—there is going to be very broad support. There are areas people have expressed concern about, and our intent is to work out a unanimous consent agreement hopefully early in the morning whereby we can address those with amendments.

Mr. REID. Mr. President, I would further say just briefly that, yes, we do have this matter before us. Is it what we want? The answer is, probably we think we could do better. That is why we would agree on this side to have a limited number of amendments and have this body decide whether the bill can be improved. We hope that can occur. As I have indicated in my previous statement, it all depends on how the other 98 Senators feel as to whether we can move forward short of cloture on Wednesday.

UNANIMOUS CONSENT REQUEST—
S. 3709

Mr. FRIST. Mr. President, on another issue, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of Calendar No. 527, S. 3709, the U.S.-India nuclear bill.

I further ask consent that the managers' amendment at the desk be agreed to as original text for the purpose of further amendment and the only other amendments in order be FEINGOLD on Presidential certification, DORGAN on fissile material production, BOXER on Iran, REID on Yucca Mountain, CRAIG on Yucca Mountain, with no second-degree amendments in order, 1 hour of debate on each amendment, and 1 hour of general debate on the bill, all equally divided in the usual form.

I further ask consent that following disposition of amendments and the use or yielding back of time, the bill, as amended, be read a third time and the Senate proceed to the consideration of H.R. 5682, the House-passed companion, that all after the enacting clause be stricken and the text of S. 3709, as amended, be inserted in lieu thereof, and that the Senate then proceed to a vote on passage of H.R. 5682, as amended, with no intervening action or debate.

I further ask consent that following passage of the bill, the Senate insist upon its amendment and request a conference with the House, the Chair be authorized to appoint conferees, and S. 3709 be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President. I received a rare personal telephone call today from Secretary Condoleezza Rice, which I appreciated. It was on this subject matter. I told her how I felt. I told her it is unfortunate that this legislation has been put aside since last July until today. I also told her that I personally support the legislation. I cosponsored it. I think it is important legislation.

I told her exactly what I told the majority leader and the Indian Foreign Minister last week; that is, I support this legislation and believe it is very important for the full Senate to act on it very quickly.

This legislation, I believe, is strongly supported by a sizable majority of the Senate. I canvassed our side for amendments. We have a number of amendments that have been talked about. I think that is the universe of the amendments, with rare exception. I think these are manageable amendments. They are few in number. And I think we could complete this legislation very quickly. I have directed our floor staff to prepare a unanimous consent request to that effect.

We have a situation where the managers' amendment Senator LUGAR and Senator BIDEN have come up with—they have not been able to work this out, the two managers. These are two of the most senior Members of the Senate. I hope they can do that in the near future.

So I ask unanimous consent that the majority leader's request be modified as follows: that once the agreement has been reached on the managers' amendment, the Senate begin consideration of S. 3709 under the following limitations: that the managers' amendment be immediately agreed to for purposes of original text, that first-degree amendments deal with similar subject matter as contained in the bill, and that relevant second-degree amendments be in order.

Before the Chair puts the question, I would point out it would be my expectation we could finish this bill very quickly. I think we could finish it in 1 day. It might be a long day, but we could do that. I think we could do that. I think this is important enough that we should have a long day, if necessary, to do this and that agreements would be possible on each of our amendments. On every amendment we would offer, we would agree to a relatively short time limit.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. FRIST. Mr. President, reserving the right to object, as the Democratic leader said, this is a critically important piece of legislation. That is why I wanted to bring it forward tonight and am pleased the Democratic leader so strongly supports the legislation. Our challenge will be to figure out how we can address it with the appropriate concerns. And I understand his state-

ment on the managers' amendment of the chairman and ranking member, that there is a little more work that needs to be done.

Enactment of this legislation will create significant export opportunities for U.S. industry, with job creation, with thousands of new jobs created. There are some technical differences between the House and Senate bills that will have to be worked out in conference. Therefore, I do believe we should address this bill before we leave.

Mr. FRIST. Mr. President, right now, I will object to the modification of my unanimous consent request. After a brief discussion, we can come back and see if we are close to being able to take this to the floor under this time agreement, with these amendments. I think we ought to lock it down tonight. With that, I object to the modification.

The PRESIDING OFFICER. Objection is heard to the modification.

Is there objection to the original request?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, will the majority leader yield for a question?

Mr. FRIST. First, let me go through the remaining business.

Mr. DURBIN. I will wait.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session; provided further that the Agriculture Committee be discharged from further consideration of the nomination of Charles F. Connor, PN1911, to be a member of the board of directors of the Commodity Credit Corporation; provided further that the Senate proceed to its consideration, the nomination be confirmed, with the motion to reconsider laid upon the table, and the President be immediately notified of the Senate's action, and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Charles F. Connor, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

OBSERVING GLOBAL FAMILY DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 582, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 582) urging the people of the United States to observe Global Family Day and One Day of Peace and Sharing.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 582) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 582

Whereas in 2005, the people of the world suffered many calamitous events, including devastation from tsunamis, terror attacks, wars, famines, genocides, hurricanes, earthquakes, political and religious conflicts, diseases, poverty, and rioting, all necessitating global cooperation, compassion, and unity previously unprecedented among diverse cultures, faiths, and economic classes;

Whereas grave global challenges in 2006 may require cooperation and innovative problem-solving among citizens and nations on an even greater scale;

Whereas, on December 15, 2000, Congress adopted Senate Concurrent Resolution 138, expressing the sense of Congress that the President of the United States should issue a proclamation each year calling upon the people of the United States and interested organizations to observe an international day of peace and sharing at the beginning of each year;

Whereas, in 2001, the United Nations General Assembly adopted Resolution 56/2, which invited "Member States, intergovernmental and non-governmental organizations and all the peoples of the world to celebrate One Day in Peace, 1 January 2002, and every year thereafter";

Whereas many foreign heads of State have recognized the importance of establishing Global Family Day, a special day of international unity, peace, and sharing, on the first day of each year; and

Whereas family is the basic structure of humanity, thus, we must all look to the stability and love within our individual families to create stability in the global community: Now therefore, be it

Resolved, That the Senate urgently requests—

(1) the people of the United States to observe Global Family Day and One Day of Peace and Sharing with appropriate activities stressing the need—

(A) to eradicate violence, hunger, poverty, and suffering; and

(B) to establish greater trust and fellowship among peace-loving countries and families everywhere; and

(2) that American businesses, labor organizations, and faith and civic leaders are urged to join in promoting appropriate activities for Americans and in extending appropriate greetings from the families of America to families in the rest of the world.